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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 JENNIFER JO KILE,
9 Plaintiff,

10 vs.

Case No. 3:13-cv-00142-HDM-VPC

11 **STIPULATED DISCOVERY PLAN**
AND SCHEDULING ORDER

12 WAL-MART STORES, INC.;
JOHN DOES I-V, inclusive; and
13 BLACK AND WHITE COMPANIES,

14 Defendants.
15 _____/

16 The above-named parties, by and through their respective counsel, hereby submit the
17 following Discovery Plan and Scheduling Order and seek a special scheduling review in compliance
18 with LR 26-1(e)(1). The parties stipulate as follows:

19 **A. Information Requested by FRCP 26(f):**

20 1. Counsel for the parties conducted a meeting pursuant to LR 26-1(d) on or about April
21 24, 2013. Defendant will make its initial FRCP 26(f) disclosures as required by Rule 26(a)(1) within
22 14 days of the filing of this document. Plaintiff made her FRCP 26(f) disclosures on May 3, 2013.

23 2. Discovery may be conducted on all discoverable matters relevant to issues raised by
24 the complaint, answer, and any subsequent pleadings and documents consistent with the Federal
25 Rules of Civil Procedure and the Local Rules of this District.

26 3. The parties stipulate that the presumptive limits on discovery as state in the Federal
27 Rules of Civil Procedure should apply to this case.

28 4. The parties stipulate that the procedure for the informal exchange of information

1 about electronically stored information in this case will be consistent with the Federal Rules of Civil
2 Procedure and Local Rules of this District.

3 5. The parties stipulate that the procedure for preservation of privileges and protections
4 will be consistent with the Federal Rules of Civil Procedure and the Local Rules of this District.

5 **B. Information Requested by LR 26-1(e):**

6 1. Discovery Deadline: Discovery shall continue to and including a period of two
7 hundred forty (240) days from the date that defendant filed its answer, which was April 16, 2013.
8 The deadline is December 12, 2013. The parties request an extended discovery period due to the
9 alleged nature and complexity of the case, Plaintiff's alleged medical condition, Plaintiff's alleged
10 need for multiple surgeries, multiple experts and a life care planner, and Defendant's need for
11 multiple rebuttal experts, if any.

12 2. Amending Pleadings and Adding Parties: The date for filing motions to amend
13 pleadings shall not be later than September 13, 2013, which is ninety (90) days prior to the close of
14 discovery.

15 3. Experts: Expert disclosures shall be made on or before October 14, 2013, which is
16 sixty (60) days before the close of discovery.

17 4. Rebuttal Experts: Disclosure of rebuttal experts, if any, shall be made on or before
18 September 13, 2013, which is thirty (30) days after the initial disclosure of experts.

19 5. Dispositive Motions: All dispositive motions shall be filed on or before January 13,
20 2014, which is thirty (30) days after the discovery deadline.

21 6. Joint Pretrial Order: The Joint Pretrial Order shall be filed no later than February 14,
22 2014, which is thirty (30) days after the deadline for filing dispositive motions. However, in the
23 event that dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended
24 until thirty (30) days after the decision of the Court on the dispositive motions or until further order
25 of the Court.

26 7. All disclosures required by FRCP 26(a)(3) and any objections thereto shall be
27 included in the Joint Pretrial Order.

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C. Additional Deadlines:

1. Pursuant to LR 26-4, the last day to file and serve an application to extend any date set by this discovery plan shall be November 22, 2013, which is twenty (20) days before the discovery deadline.

2. Pursuant to LR16-3(b), motions *in limine* must be filed and served thirty (30) days prior to trial. Oppositions to motions *in limine* shall be filed and served and the motions submitted fourteen (14) days thereafter.

D. Further Stipulations Between the Parties:

1. The parties agree that expert reports will be served with the disclosures of all experts and rebuttal experts.

2. The parties stipulate that this case of alleged pharmacy negligence and/or malpractice is not governed by and is exempt from the requirements of Nevada Revised Statute Chapter 41A, and specifically the affidavit requirement of Nevada Revised Statute 41A.071 and *Fierle v. Perez*, 125 Nev. 728, 219 P.3d 906 (2008).

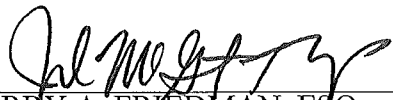
AFFIRMATION Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 20th day of May, 2013.

LAW OFFICES OF TERRY A. FRIEDMAN

PHILLIPS, SPALLAS & ANGSTADT

By 
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By /s/ e-signature approved
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ORDER

Based upon the above stipulations of the parties, and for good cause appearing, it is hereby ordered that the above stipulated Discovery Plan and Scheduling Order is hereby adopted, ratified and ordered by the Court.

IT IS SO ORDERED.

DATED this _____ day of _____, 2013.

UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of The Law Offices of Terry A. Friedman, and that on this day I served the foregoing document(s) on all parties to this action by:

 ✓ placing an original or true copy thereof in a sealed envelope placed in the United States Mail at Reno, Nevada, postage paid, following ordinary business practices.

 certified mail, return receipt requested.

 having them personally delivered.

 facsimile (fax).

 Federal Express or other overnight delivery.

 Reno/Carson Messenger.

addressed as follows:

Brenda Entzminger, Esq.
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Fax: 702-938-1511
(Attorney for Defendant, Wal-Mart Stores, Inc.)

Dated this 20th day of May, 2013.

Sue Balogh
Sue Balogh